

## Nays—15

Aikin	Owen
Colson	Roberts
Corbin	Rogers
Kazen	of Childress
Martin	Rogers of Travis
McDonald	Secrest
Moffett	Wagonseller
Moore	Willis

## Absent—Excused

Lane	Weinert
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Question—Shall the substitute by Senator Martin for the amendment by Senator Bracewell to S. J. R. No. 1 be adopted?

## Senate Bill 367 on First Reading

Senator Phillips by unanimous consent moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

## Absent—Excused

Lane	Weinert
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Phillips:

S. B. No. 367, A bill to be entitled "An Act providing that the Texas Prison Board may exchange state-owned lands comprising the outer edge of Ramsey State Prison Farm for privately owned lands within Ramsey Prison Farm, and declaring an emergency."

To the Committee on State Penitentiaries.

## Senate Bill 368 on First Reading

Senator Bracewell by unanimous consent moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

## Absent—Excused

Lane	Weinert
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bracewell:

S. B. No. 368, A bill to be entitled "An Act amending Articles 1.02, 1.03, and 1.04 of the Insurance Code, Acts 52nd Legislature, R. S. 1951, Chapter 491, page 868, relating to the creation and organization of the Board of Insurance Commissioners, the terms of office of the Commissioners, and their duties; repealing all laws and parts of laws in conflict therewith; providing a savings clause; and declaring an emergency."

To the Committee on Insurance.

## Adjournment

On motion of Senator Kelley, the Senate, at 12:13 o'clock p.m., adjourned until 10:30 o'clock a.m. tomorrow.

## THIRTY-SEVENTH DAY

(Tuesday, March 22, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Lane

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Holy Father, we turn from things that clutter our minds to thank Thee for the privilege of prayer. May this be a time of relaxation and release from all anxiety; teach us that "A soft answer turneth away wrath; but grievous words stir up anger." Let calmness and confidence be our strength. For Christ's sake. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 69, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 151.

H. B. No. 10, A bill to be entitled "An Act making certain adjustments with respect to the examination of insurance companies and accomplishing this purpose by: Amending Article 1.15 of the Insurance Code pertaining to examination of insurance companies; amending Article 1.16 of

the Insurance Code pertaining to expenses of examinations and disposition of sums collected; amending Article 1.17 of the Insurance Code pertaining to the appointment by the Board of Insurance Commissioners of a Chief Examiner, Supervising Examiners, Senior Examiners, and Assistant Examiners and Actuaries, and providing for their compensation; amending Article 1.18 pertaining to the oath and bond of all Examiners; amending Article 1.19 pertaining to the duties and powers of the Board of Insurance Commissioners in examinations and the making public of examination reports; repealing conflicting laws and parts of laws to extent of such conflict; setting forth a severability clause; and declaring an emergency."

H. B. No. 101, A bill to be entitled "An Act amending Section 1, Acts of the 44th Legislature, Chapter 39, Page 111, being also known as Section 1 of Article 4639a of Vernon's Revised Civil Statutes of Texas, 1925; prescribing contents of petitions and cross-petitions for divorce; requiring disposition and provision for children under certain ages in any divorce case or subsequent proceeding; providing for testimony by parents; authorizing appointment of next friend to investigate and report on conditions concerning children, and allowing a fee therefor; providing for continuance of case in behalf of children; authorizing enforcement of court orders by contempt proceedings after notice; providing for venue of orders affecting children on application after notice; containing a severability clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 240, A bill to be entitled "An Act amending Article 342-102 of the Revised Civil Statutes of Texas, as amended, so as to include within the definition of the term 'State Bank' all corporations heretofore or hereafter organized having the authority to do a general fiduciary and depository business under the provisions of Chapter 7 of the Insurance Code, and all corporations heretofore or hereafter organized having the authority under the provisions of Article 1513 of the Revised Civil Statutes of Texas, 1925, to accept bills or drafts drawn upon said corporations."

The House has concurred in Senate

amendments to House Bill No. 208 by a viva voce vote.

The House has concurred in Senate amendments to House Bill No. 306 by a vote of 110 ayes, 7 noes.

H. B. No. 392, A bill to be entitled "An Act amending and revising the Election Code of the State of Texas; repealing certain statutes relating thereto; etc.; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives.

#### Reports of Standing Committees

Senator Kazen submitted the following report:

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 143, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Senator Kelley submitted the following reports:

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred S. B. No. 281, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass and be not printed; but that the Committee Substitute for S. B. 281 do pass and be printed in lieu thereof.

KELLEY, Chairman.

C. S. S. B. No. 281 was read the first time.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred S. B. No. 314, have had the same under consideration, and we are instructed to report it back to the Senate with the recom-

mendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred S. B. No. 320, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred S. B. No. 361, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

KELLEY, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 407, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KELLEY, Chairman.

Senator Martin submitted the following report:

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 140, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the attached committee substitute do pass in lieu thereof and be printed.

MARTIN, Chairman.

C. S. H. B. No. 140 was read first time.

Senator Hardeeman submitted the following reports:

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 260, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 264, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 161, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 22, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B.

No. 360, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 98, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 116, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

HARDEMAN, Chairman.

Senator Fly submitted the following report:

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 366, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman.

#### House Bill 140 Ordered Not Printed

On motion of Senator Martin, and by unanimous consent, H. B. No. 140 was ordered not printed.

#### Senate Resolution 130

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Judge Dennis P. Ratliff, former District Judge, a former member of the House of Representatives, and a prominent citizen of Haskell, Haskell County, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the privileges of the floor for the day.

The resolution was read and was adopted.

#### Senate Resolution 131

Senator Strauss offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate The Hallettville Garden Club; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Strauss, by unanimous consent, presented the distinguished guests to the Members of the Senate.

#### Presentation of Guest

Senator Willis, by unanimous consent, presented his brother Phil Willis, former Member of the House of Representatives, and now a resident of San Antonio, to the Members of the Senate.

#### Senate Bill 369 on First Reading

Senator Rogers of Travis moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Latimer
Ashley	Lock
Bracewell	Martin
Colson	McDonald
Corbin	Moffett
Fly	Owen
Fuller	Parkhouse
Hardeman	Ratliff
Hazlewood	Roberts
Kazen	Rogers
Kelley	of Childress

Rogers of Travis	Wagonseller
Secrest	Weinert
Shireman	Willis
Strauss	

Absent

Moore	Phillips
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Absent—Excused

Lane

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Rogers of Travis:

S. B. No. 369, A bill to be entitled "An Act amending Paragraph (4) of Section 1, Article 3.50, subchapter E of Senate Bill No. 236, Chapter 491, Acts of the Fifty-second Legislature, Regular Session, 1951, pertaining to group life insurance, to allow the insurance of the face amount of a loan or loan commitment made to a debtor with seasonal income for general agricultural or horticultural purposes; providing for the payment of such insurance; and declaring an emergency."

To the Committee on Insurance.

#### Senate Bill 370 on First Reading

Senator Roberts moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Lane

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Roberts:

S. B. No. 370, A bill to be entitled "An Act establishing the Fannin County Juvenile Board; prescribing its membership and powers and providing for compensation of its members; repealing conflicting laws; providing for severability; and declaring an emergency."

To Committee on State Affairs.

#### Senate Bill 371 on First Reading

Senator Willis moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Wagon seller
Moffett	Weinert
Moore	Willis

#### Nays—3

Ashley	McDonald
Martin	

#### Absent

Corbin	Strauss
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#### Absent—Excused

Lane

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Willis:

S. B. No. 371, A bill to be entitled "An Act creating an additional District Court in Tarrant County, Texas, to be known as the District Court for the 153rd Judicial District; providing the terms and jurisdiction for said Court; providing for the appointment of a District Judge for said Court; prescribing his powers, duties, term of office and compensation; providing for the appointment for the official court reporter for said Court; prescribing

his qualifications, duties and compensation; providing for the appointment, designation and compensation of other officers of the Court; providing all process, writs, recognizances and bonds heretofore issued, made, executed or returnable to existing terms of District Courts in Tarrant County are valid and returnable to the first term of the District Court for the 153rd Judicial District after this Act takes effect; making other provisions relative to the business and functioning of the District Courts of Tarrant County; providing a severability clause; and declaring an emergency."

To the Committee on Judicial Districts.

#### Senate Joint Resolution 1 on Second Reading

The President laid before the Senate as pending business on its second reading and passage to engrossment S. J. R. No. 1 (the resolution having been read second time on Monday, March 21, 1955, with an amendment by Senator Bracewell and a substitute by Senator Martin for the amendment by Senator Bracewell pending).

Question—Shall the substitute by Senator Martin for the amendment by Senator Bracewell to S. J. R. No. 1 be adopted?

The substitute by Senator Martin for the amendment by Senator Bracewell failed of adoption by the following vote:

#### Yeas—10

Aikin	Roberts
Colson	Rogers
Martin	of Childress
McDonald	Rogers of Travis
Moffett	Secrest
Owen	

#### Nays—19

Ashley	Lock
Bracewell	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Shireman
Hardeman	Strauss
Hazlewood	Wagon seller
Kazen	Weinert
Kelley	Willis
Latimer	

#### Absent

Moore

## Absent—Excused

## Lane

Senator Moffett offered the following substitute for the amendment by Senator Bracewell:

Amend S. J. R. No. 1, Section 1, by striking out all of line 39 of the printed bill following the word "Board" and all of line 40, and substituting the following words:

"of six members to be chosen as provided by law."

On motion of Senator Hardeman, the substitute by Senator Moffett for the amendment by Senator Bracewell was tabled.

Senator Martin offered the following substitute for the amendment by Senator Bracewell:

Amend S. J. R. No. 1 by striking out line 40, and substituting in lieu thereof the following:

"following: Six (6) elective members holding staggered terms for six (6) years each, with two (2) members to be elected each year, the lengths of term for the first six (6) years to be determined by lot at the first meeting; one (1) member to be a registered engineer of this State, who shall be elected from the State at large; a member from District No. 2, composed of the following fifty-one (51) counties: Dallam, Dawson, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Hardeman, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Gaines, Borden, Scurry, Fisher, Foard;

A member from District No. 3, composed of the following fifty-one (51) counties: Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Runnels, Coke, Sterling, Glasscock, Midland, Ector, Winkler, Loving, Reeves, Culberson, Hudspeth, El Paso, Jeff Davis, Presidio, Brewster, Pecos, Terrell, Ward, Crane, Upton, Reagan, Irion, Tom Green, Concho, McCulloch, San Saba, Mason, Llano, Blanco, Gillespie, Crockett, Schleicher, Menard, Sutton, Kimble, Val Verde, Edwards, Real, Kerr, Kendall, Bandera, Uvalde, Medina, Kinney, Maverick;

A member from District No. 4, composed of the following fifty (50) counties: Burleson, Lee, Bastrop, Travis, Hays, Comal, Guadalupe, Caldwell, Fayette, Washington, Austin, Colorado, Lavaca, Gonzales, Wilson, Bexar, DeWitt, Jackson, Wharton, Fort Bend, Brazoria, Matagorda, Calhoun, Refugio, Bee, Karnes, Live Oak, Atascosa, McMullen, La Salle, Frio, Duval, Dimmit, Webb, Zapata, Jim Hogg, Starr, Brooks, Hidalgo, Cameron, Willacy, Kenedy, Kleberg, Nueces, San Patricio, Aransas, Jim Wells, Zavala, Goliad, Victoria;

A member from District No. 5, composed of the following fifty-one (51) counties: Lamar, Red River, Bowie, Delta, Hopkins, Franklin, Titus, Morris, Cass, Marion, Camp, Upshur, Wood, Rains, Van Zandt, Smith, Gregg, Harrison, Henderson, Cherokee, Rusk, Panola, Shelby, Nacogdoches, Anderson, Freestone, Leon, Robertson, Brazos, Madison, Grimes, Waller, Houston, Walker, Trinity, Angelina, San Augustine, Sabine, Newton, Jasper, Tyler, Polk, San Jacinto, Montgomery, Harris, Liberty, Hardin, Orange, Jefferson, Chambers, Galveston;

A member from District No. 6, composed of the following fifty-one (51) counties: Wilbarger, Wichita, Clay, Montague, Cooke, Grayson, Fannin, Hunt, Collin, Denton, Wise, Jack, Archer, Baylor, Knox, Haskell, Stephens, Throckmorton, Young, Jones, Shackelford, Palo Pinto, Rockwall, Kaufman, Ellis, Parker, Tarrant, Dallas, Johnson, Hood, Somervell, Erath, Eastland, Callahan, Coleman, Brown, Comanche, Mills, Hamilton, Bosque, Hill, Navarro, Limestone, McLennan, Falls, Milam, Bell, Williamson, Burnet, Lampasas, Coryell;

The first members to be appointed by the Governor of Texas with the advice and consent of two-thirds of the Members of the Senate, but shall stand for election at the next general election to be held. Vacancies shall also be filled by appointment of the Governor.

On motion of Senator Hardeman the substitute by Senator Martin for the amendment by Senator Bracewell was tabled by the following vote:

Yeas—21

Ashley  
Bracewell  
Colson  
Corbin

Fly  
Fuller  
Hardeman  
Hazlewood

Kazen	Ratliff
Kelley	Shireman
Latimer	Strauss
Lock	Wagonseller
Owen	Weinert
Parkhouse	Willis
Phillips	

## Nays—9

Aikin	Roberts
Martin	Rogers
McDonald	of Childress
Moffett	Rogers of Travis
Moore	Secrest

## Absent—Excused

Lane

Senator Aikin offered the following amendment to the amendment by Senator Bracewell:

Amend Bracewell amendment by striking out the words and figures "3" wherever they appear and insert in lieu thereof the words and figures "6".

Senator Hardeman moved to table the amendment by Senator Aikin to the amendment by Senator Bracewell.

The motion to table was lost by the following vote:

## Yeas—12

Corbin	Phillips
Fuller	Ratliff
Hardeman	Shireman
Hazlewood	Wagonseller
Lock	Weinert
Parkhouse	Willis

## Nays—18

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Roberts
Fly	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Secrest
Martin	Strauss
McDonald	

## Absent—Excused

Lane

Question recurring on the amendment by Senator Aikin to the amendment by Senator Bracewell, the amendment was adopted.

The amendment by Senator Bracewell as amended was then adopted.

Senator Moffett offered the following amendment to the resolution:

Amend S. J. R. No. 1 (printed copy) by changing the period at the end of line 39, page 2, to a semicolon, and adding the following:

"provided, however, that the foregoing tax shall not be collected from the municipalities, irrigation districts, flood control districts, water improvement districts, water control and improvement districts, or water conservation districts which have outstanding bonds, or other obligations, at the time of the adoption of this amendment, the proceeds of which have been expended for the purpose of conserving, storing, developing, or otherwise putting to beneficial use the water resources of this State. As to any particular municipality or district, this exemption from the payment of the tax shall expire on the first day of January, next following the final maturity date of the bonds, or other obligations, herein mentioned, which are outstanding at the time of the adoption of this amendment."

The amendment was read.

Question—Shall the amendment by Senator Moffett to S. J. R. No. 1 be adopted?

## Recess

On motion of Senator Hardeman, the Senate, at 12:25 o'clock p.m., took recess until 2:00 o'clock p.m. today.

## After Recess

The President called the Senate to order at 2:00 o'clock p. m. today.

## Bills and Resolutions Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H. B. No. 227, A bill to be entitled "An Act amending Article 1641, of the Revised Civil Statutes of Texas of 1925, so as to give the Commissioners Court authority to require that an annual or biennial independent audit be made of all county books, records and accounts of district, county, and precinct officers, agents, or employees, including regular auditors of the counties and all governmental

units of the county, hospitals, farms, and other institutions of the county and all matters pertaining to the fiscal affairs of the county; providing that this authority shall be in addition to the emergency powers now granted the Commissioners Courts by Article 1641; providing the method of contracting for the audit, the powers and duties of the Commissioners Court and the county auditor in connection with the special audit; and declaring an emergency."

H. B. No. 482, A bill to be entitled "An Act re-enacting and amending Chapter 76, Acts of the 50th Legislature, 1947 (codified as Article 6243g-1 of Vernon's Texas Civil Statutes), creating a Police Officers' Pension System in cities of 384,000 or more inhabitants; and declaring an emergency."

H. B. No. 338, A bill to be entitled "An Act creating an additional County Court at Law in El Paso County; etc., and declaring an emergency."

H. B. No. 27, A bill to be entitled "An Act requiring every water district, created pursuant to the Constitution of Texas, to file with the Texas Water Commission a certified copy of the Act or order creating same or altering its boundaries, as well as such information necessary to maintain an up-to-date list of its officers; requiring the Commission to file such information for public inspection; providing penalties for violation; repealing all conflicting laws; providing a savings clause; and declaring an emergency."

H. B. No. 309, A bill to be entitled "An Act amending Section 1 of Chapter 252, Acts of the Regular Session of the Fifty-first Legislature, 1949, to provide that after consolidation of an independent school district with other independent school districts or with common school districts, where one of the independent school districts has a scholastic enrollment in excess of five (5) times the combined scholastic enrollment of the other districts consolidated with it, the members of the Board of Trustees of the larger district shall serve as the Board of Trustees of the combined district until their respective terms expire and their successors are elected; repealing all laws and parts of laws in conflict herewith to the extent of the conflict; providing said Act shall be cumulative of other ex-

isting laws relative to the consolidation of independent school districts; and declaring an emergency."

H. B. No. 34, A bill to be entitled "An Act relating to the selection of directors of certain water control and improvement districts; amending Section 1 of Senate Bill No. 247, Acts of the 46th Legislature, Regular Session, 1939, Volume II, page 1105 (codified as Article 7880-38a in Vernon's Texas Civil Statutes), by changing 'one hundred thousand (100,000) acres of land' to read 'eighty thousand (80,000) acres of land'; and declaring an emergency."

H. B. No. 11, A bill to be entitled "An Act requiring approval by the Texas Water Commission of certain federal projects affecting surface waters of the State of Texas; defining terms; requiring the Governor to submit to the Commission all engineering plans for a federal project when executive approval thereof is sought; providing for public hearings to be held and notice thereof issued and published; providing for the Commission to determine if a federal project is feasible and setting standards for such determination; requiring disapproval by the Commission of unfeasible projects; authorizing the Governor to either approve or disapprove such projects after a finding of feasibility; repealing all conflicting laws; providing a savings clause; and declaring an emergency."

H. B. No. 355, A bill to be entitled "An Act permitting the Board for Texas State Hospitals and Special Schools to provide or perform necessary treatment and medical services to persons admitted or committed to its care without the consent of responsible relatives or guardians in certain cases; and declaring an emergency."

H. B. No. 208, A bill to be entitled "An Act creating the Court of Domestic Relations in and for Hutchinson County; etc.; and declaring an emergency."

H. B. No. 306, A bill to be entitled "An Act setting forth the manner and form in which stock certificates shall be issued by any corporation organized under the laws of the State of Texas and how such stock certificates shall be signed; providing for the use of a facsimile corporate seal; providing for the use of facsimile signatures of offi-

cers of such corporations on a certificate countersigned by a transfer agent or registered by a registrar other than the corporation or employee thereof; providing what shall be stated on the face or back of each such certificate; providing that no such certificate shall be issued for any share until the consideration therefor has been paid; and providing for the use of facsimile or printed corporate seal of such corporation on its bonds, debentures and other evidences of indebtedness, and for the use of facsimile signatures of officers authorized to execute such securities when such securities are authenticated by the manual signature of an officer of the corporate or other trustee appointed or named by the indenture of trust or other agreement under which such securities are issued; and declaring an emergency."

H. C. R. No. 64, Permitting the House to take up for consideration at any time House Bill No. 140.

H. C. R. No. 52, Inviting the Honorable Jay Albert Robinson to address a Joint Session of the Legislature at 11:30 a. m., April 19, 1955.

#### **House Bills and Resolutions on First Reading**

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

H. B. No. 786, To the Committee on Counties and County Boundaries.

H. B. No. 205, To the Committee on Game and Fish.

H. B. No. 283, To the Committee on Game and Fish.

H. B. No. 622, To the Committee on Game and Fish.

H. B. No. 635, To the Committee on Game and Fish.

H. B. No. 582, To the Committee on Game and Fish.

H. J. R. No. 11, To the Committee on Constitutional Amendments.

H. B. No. 412, To the Committee on Judicial Districts.

H. B. No. 436, To the Committee on Insurance.

H. B. No. 454, To the Committee on Judicial Districts.

H. B. No. 432, To the Committee on Judicial Districts.

H. B. No. 453, To the Committee on Educational Affairs.

H. B. No. 325, To the Committee on State Affairs.

H. B. No. 198, To the Committee on State Affairs.

H. B. No. 10, To the Committee on Insurance.

H. B. No. 101, To the Committee on Civil Jurisprudence.

H. B. No. 240, To the Committee on Banking.

H. B. No. 484, To the Committee on State Highways and Motor Traffic.

H. B. No. 509, To the Committee on State Affairs.

H. B. No. 540, To the Committee on State Affairs.

H. B. No. 551, To the Committee on Water Rights, Irrigation and Drainage.

H. B. No. 557, To the Committee on Civil Jurisprudence.

H. J. R. No. 23, To the Committee on Constitutional Amendments.

#### **Senate Resolution 133**

Senator Aikin offered the following resolution:

Whereas, Hon. Rae Files Still is a visitor at the Capitol today; and

Whereas, Mrs. Still is a distinguished former Member of the House of Representatives; and

Whereas, The Senate is delighted to have her as our guest; now, therefore, be it

Resolved, That Mrs. Still be extended the privileges of the floor for today.

**AIKIN  
MARTIN**

The resolution was read and was adopted.

#### **Senate Joint Resolution 1 on Second Reading**

The Senate resumed consideration of pending business (same being S. J. R. No. 1 on its second reading, with an amendment by Senator Moffett pending).

Question—Shall the amendment by Senator Moffett to S. J. R. No. 1 be adopted?

On motion of Senator Hardeman the amendment was tabled by the following vote:

Yeas—28

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moore	

Nays—1

Moffett

Absent

Fuller

Absent—Excused

Lane

On motion of Senator Hardeman and by unanimous consent the caption was amended to conform to the body of the resolution as amended.

The resolution, as amended, was passed to engrossment by the following vote:

Yeas—27

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

Nays—2

Moffett

Weinert

Absent

Fuller

Absent—Excused

Lane

Senate Joint Resolution 1 on Third Reading

Senator Hardeman moved that Senate Rules 32 and 45 and the Constitutional rule requiring resolutions to be read on three several days be suspended and that S. J. R. No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moore	

Nays—1

Moffett

Absent

Fuller

Absent—Excused

Lane

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—27

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

## Nays—2

Moffett                      Weinert

Absent

Fuller

Absent—Excused

Lane

## Senate Bill 289 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 289, A bill to be entitled "An Act amending Section 3 of Article VI of Senate Bill 116, Acts of the 51st Legislature, Regular Session, 1949, Chapter 334, page 625 (Article 2922-16, Section 3, Vernon's Annotated Civil Statutes), to provide for the computation annually of the Economic Index of Counties by using three (3) year average of factor data; etc.; and declaring an emergency."

The bill was read the second time.

Senator Lock offered the following amendment to the bill:

Amend Senate Bill No. 289, page No. 1, line 48, after the word "however" by adding the following:

During the 1955-56 and the 1956-57 fiscal years

The amendment was adopted.

On motion of Senator Aikin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

## Senate Bill 289 on Third Reading

Senator Aikin moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 289 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—25

Aikin                      Bracewell  
Ashley                      ColsonCorbin                      Parkhouse  
Fly                          Phillips  
Hardeman                  Roberts  
Hazlewood                  Rogers  
Kazen                      of Childress  
Latimer                      Secrest  
Lock                          Shireman  
Martin                      Strauss  
McDonald                  Wagonseller  
Moore                      Weinert  
Owen                          Willis

## Nays—2

Kelley                      Rogers of Travis

Absent

Fuller                      Ratliff  
Moffett

Absent—Excused

Lane

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—26

Aikin                      Moore  
Ashley                      Owen  
Bracewell                  Parkhouse  
Colson                      Phillips  
Corbin                      Roberts  
Fly                          Rogers  
Hardeman                  of Childress  
Hazlewood                  Secrest  
Kazen                      Shireman  
Latimer                      Strauss  
Lock                          Wagonseller  
Martin                      Weinert  
McDonald                  Willis  
Moffett

## Nays—2

Kelley                      Rogers of Travis

Absent

Fuller                      Ratliff

Absent—Excused

Lane

## Presentation of Guests

Senator Rogers of Travis by unanimous consent presented Cub Scouts of Wooldridge School of Austin and Den Mothers Mrs. Joe Neal, Mrs. Berry Burnette and Mrs. W. B. Carsow to the Members of the Senate.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 44, Granting J. W. Kelley, Jr., permission to sue the State.

H. B. No. 602, A bill to be entitled "An Act amending Chapter 467, House Bill No. 77, Acts, Second Called Session, Forty-fourth Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Articles 666 and 667, so as to clarify such Act and further regulate and control alcoholic beverage; providing a saving clause; repealing laws in conflict herewith; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives.

**Report of Standing Committee**

Senator Fly by unanimous consent submitted the following report:

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 786, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

FLY, Chairman.

**Committee Substitute Senate Bill 12 on Second Reading**

Senator Bracewell asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 12 for consideration at this time.

There was objection.

Senator Bracewell then moved to suspend the regular order of business and that C. S. S. B. No. 12 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote:

**Yeas—18**

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Fly	Ratliff
Hardeman	Rogers of Travis
Kazen	Strauss
Latimer	Wagonseller
Lock	Weinert

**Nays—7**

Hazlewood	Rogers
Kelley	of Childress
McDonald	Shireman
Roberts	Willis

**Absent**

Corbin	Phillips
Fuller	Secrest
Martin	

**Absent—Excused**

Lane

The President laid before the Senate on its second reading the following bill:

C.S.S.B. No. 12, A bill to be entitled "An Act making certain adjustments in the incorporation, organization, regulation, and operation of life, health or accident insurance companies subject to the provisions of Senate Bill No. 236, known as the Insurance Code, Acts 1951, 52nd Legislature, and accomplishing this purpose by; etc.; and declaring an emergency."

The bill was read the second time.

Senator Bracewell offered the following amendment to the bill:

Amend Section 3 of Senate Committee Substitute for Senate Bill 12, by deleting therefrom the first paragraph of Section 2 of Code Article 3.02 and substituting therefor the following:

Section 2. From and after the effective date of this Act the capital and surplus requirements of Paragraph 5 of Section 1 of Article 3.02 of this Code shall be the minimum capital and surplus requirements for any company which is subject to the provisions of Chapter 3 of this Code as amended, provided, however, that no such company which was licensed and doing such business in this state prior to January 1, 1955, shall be required to increase or convert its existing capital to comply with the capital and

surplus requirements of said Paragraph 5 of Section 1 hereof, if such company shall comply with the following additional requirements:

The amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend S. B. 12, Section 4, so that the last sentence of Article 3.02a shall read as follows:

No company hereafter organized shall issue stock of no-par value unless it has complied with the minimum capital and surplus requirements of this chapter; nor shall any stock company heretofore organized amend its charter so as to authorize the issuance of stock of no-par value unless it has complied with the minimum capital and surplus requirements of this chapter; provided however, nothing herein contained shall be construed to impair the charter rights of companies heretofore authorized to issue stock of no-par value.

The amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend Committee Substitute for S. B. 12, Section 4, by striking out the words and figures "Ten Dollars (\$10.00)" wherever they appear and substituting therefor the words and figures "One Dollar (\$1.00)"

The amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend Senate Committee Substitute for Senate Bill No. 12 by deleting and striking out all of Paragraph 4 (d) from Section 6 of said bill.

The amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend Senate Committee Substitute for S. B. 12, Section 13 thereof, paragraph "1(b)" under Article 3.40 so as to read as follows:

"1(b). No such insurance company shall, after the effective date of this Act, make any investment in the properties described in paragraph 1(a) above if, after making such investment, the total investment of the company in such properties is in excess of Twenty-five (25%) per cent of its admitted assets as of December 31st next preceding the date of such

investment; provided, however, that this limitation shall not affect any bona fide investment in such properties actually made, by contract or otherwise, for reasonable and adequate consideration prior to the effective date of this act."

The amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend Senate Committee Substitute for Senate Bill 12 by deleting therefrom all of Section 14 of said substitute, and renumbering the succeeding sections thereof accordingly.

The amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend Senate Committee Substitute for Senate Bill No. 12 by deleting and striking out all of Section 15 from said bill, and renumbering the remaining sections accordingly.

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend Senate Committee Substitute for S. B. 12 by deleting and striking out Section 1 of Section 3 of said bill and substituting in lieu thereof the following:

"Section 1: Any three or more citizens of this State may associate themselves for the purpose of forming a life insurance company, or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company. No such company shall transact more than one of the foregoing classes of business except in separate and distinct departments. In order to form such a company, the incorporators shall sign and acknowledge its articles of incorporation and file the same in the office of the Board of Insurance Commissioners. Such articles shall specify:

"1. The name and place of residence of each of the incorporators.

"2. The name of the proposed company, which said name shall contain the words 'Insurance Company' as a part thereof and the name selected shall not be so similar to that of any other insurance company as to be likely to mislead the public.

"3. The location of its home office.

"4. The kind or kinds of insurance business it proposes to transact.

"5. The amount of its capital stock, not less than One Hundred Thousand Dollars; all of which capital stock must be fully subscribed and fully paid up and in the hands of the incorporators before said articles of incorporation are filed. Such insurance company shall not be incorporated unless at the time of incorporation, such company is possessed of at least One Hundred Thousand Dollars surplus in addition to its capital; provided, the amount of such surplus need not be stated in its article of incorporation. Such capital and surplus shall, at the time of incorporation, consist only of lawful money of the United States or bonds of the United States or of this State or of any county or incorporate municipality thereof or government insured mortgage loans which are otherwise authorized by this chapter and shall not include real estate. Notwithstanding any other provisions of this code, such minimum capital shall at all times be maintained in cash or in the classes of investments described in this article.

"6. The period of time it is to exist, which shall not exceed five hundred years.

"7. The number of shares of such capital stock.

"8. Such other provisions not inconsistent with the law as the incorporators may deem proper to insert herein."

Senator Bracewell moved to table the amendment.

The amendment was tabled by the following vote:

## Yeas—15

Mr. President	McDonald
Aikin	Parkhouse
Ashley	Phillips
Bracewell	Rogers of Travis
Fly	Strauss
Kelley	Wagonseller
Lock	Weinert
Martin	

## Nays—14

Corbin	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Latimer	Secrest
Moffett	Shireman
Moore	Willis
Owen	

Absent

Colson	Fuller
Absent—Excused	
Lane	

The President announced he voted "yea" on the motion to table.

On motion of Senator Bracewell, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

## Record of Vote

Senator Shireman asked to be recorded as voting "nay" on the passage of C. S. S. B. No. 12 to engrossment.

## Motion to Place Committee Substitute Senate Bill 12 on Third Reading

Senator Bracewell moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 12 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate present):

## Yeas—19

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Fly	Ratliff
Latimer	Rogers
Lock	of Childress
Martin	Rogers of Travis
McDonald	Strauss
Moffett	Wagonseller
Moore	Weinert

## Nays—8

Corbin	Kelley
Hardeman	Roberts
Hazlewood	Shireman
Kazen	Willis

Absent

Colson	Secrest
Fuller	

Absent—Excused

Lane

### Committee Substitute Senate Bill 166 on Second Reading

On motion of Senator Ashley, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 166, A bill to be entitled "An Act amending Subsection (b) of Section 8, Chapter 282, Acts of the Regular Session, 41st Legislature (1929), as amended by Chapter 174, Acts of the Regular Session, 42nd Legislature (1931), and by Chapter 148, Acts of the Regular Session, 45th Legislature (1937), authorizing the amendment of oil and gas leases heretofore issued on University lands, and fixing the primary term of such leases; providing for the extension of the term of such leases in the absence of production by drilling operations thereunder; providing for the payment of shut-in gas well royalty or compensatory royalties on shut-in gas wells and limiting the term thereof; providing that on leases hereafter issued in the absence of production during the primary term, if drilling operations have been commenced prior to the expiration of such term, said leases may be extended upon application therefor and payment of certain stipulated sums for limited periods by such continuous drilling operations; authorizing the Board for Lease of University Lands to promulgate such regulations and to insert such provisions in said leases as it may deem necessary not inconsistent with Chapter 282, Acts of 1929, as amended; declaring the severability in the event of invalidity of any part of this Act; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

### Committee Substitute Senate Bill 166 on Third Reading

Senator Ashley moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 166 be placed on its third reading and final passage.

The motion prevailed by the following vote:

### Yeas—28

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Weinert
Moffett	Willis
Moore	

### Absent

Colson Fuller

### Absent—Excused

Lane

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

### Yeas—29

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Weinert
Moffett	Willis

### Absent

Fuller

### Absent—Excused

Lane

### Senate Bill 16 on Second Reading

On motion of Senator Rogers of Travis, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 16, A bill to be entitled "An Act to define and regulate the

business of representing Legal Reserve Life Insurance Companies as agent; to provide for the licensing of agents for such insurers; to provide minimum standards and qualifications as conditions precedent to issuance of licenses; to provide for the examination of applicants for said licenses; to provide for the renewal of existing licenses without examination; to fix examination and other fees; to authorize regulations for the administration of this Act; to provide penalties for violation of this Act; to repeal all laws or parts of laws inconsistent with this Act; to provide for partial invalidity; and declaring an emergency."

The bill was read the second time.

Senator Rogers of Travis offered the following committee amendment to the bill:

Amend Section 4(a), as follows:

By striking therefrom the words "or otherwise" immediately following the words "Whether any insurer or general agent claims applicant is indebted under any agency contract."

By adding the following sentence following the last sentence in Section 4(a): "It is not intended that the Life Insurance Commissioner shall be authorized to deny a license to an applicant who will act only part time as a life insurance agent."

The committee amendment was adopted.

Senator Rogers of Travis offered the following committee amendment to the bill:

Amend Section 13 by striking all of said Section and substituting therefor the following:

"Section 13. Judicial Review of Acts of Commissioner.

"Any person aggrieved by an act of the Life Insurance Commissioner under the provisions of this Act may appeal therefrom by appropriate petition filed in a district court of Travis County, Texas, against the Life Insurance Commissioner as defendant. Said action shall have precedence over all other causes on the docket of a different nature. The action shall not be limited to questions of law and shall be tried and determined upon a trial de novo to the same extent as now provided for in the case of an appeal from the justice court to the county court. Either party to said action may

appeal to the Appellate Court having jurisdiction of said cause and said appeal shall be at once returnable to said Appellate Court having jurisdiction of said cause and said action so appealed shall have precedence in said Appellate Court over all causes of a different character therein pending. The Board shall not be required to give any appeal bond in any cause arising hereunder."

The committee amendment was adopted.

(Senator Hardeman in the Chair.)

On motion of Senator Rogers of Travis, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

Senator Aikin moved to postpone further action on S. B. No. 16 until Tuesday, March 29, 1955, at 10:30 o'clock a. m.

The motion to postpone was lost by the following vote:

#### Yeas—9

Aikin	Roberts
Hardeman	Rogers
Martin	of Childress
McDonald	Secrest
Moore	Wagonseller

#### Nays—18

Ashley	Moffett
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Kazen	Rogers of Travis
Kelley	Shireman
Latimer	Strauss
Lock	Willis

#### Absent

Fuller	Weinert
Hazlewood	

#### Absent—Excused

Lane

The bill, as amended, was passed to engrossment.

#### Record of Vote

Senator Aikin asked to be recorded as voting "nay" on the passage of S. B. No. 16 to engrossment.

Senate Bill 16 on Third Reading

Senator Rogers of Travis moved

that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 16 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Ratliff
Fly	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
Lock	Wagonseller
McDonald	Willis
Moffett	

Nays—5

Aikin	Roberts
Hardeman	Rogers
Martin	of Childress

Absent

Fuller	Phillips
Hazlewood	Weinert

Absent—Excused

Lane

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Ashley	Moffett
Bracewell	Owen
Colson	Parkhouse
Corbin	Ratliff
Fly	Rogers of Travis
Hardeman	Secrest
Kazen	Shireman
Kelley	Strauss
Latimer	Wagonseller
Lock	Willis
McDonald	

Nays—5

Aikin	Roberts
Martin	Rogers
Phillips	of Childress

Absent

Fuller	Moore
Hazlewood	Weinert

Absent—Excused

Lane

### Reports of Standing Committees

Senator Shireman, by unanimous consent, submitted the following reports:

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 169, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIREMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 692, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIREMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 520, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIREMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 802, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIREMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game

and Fish, to whom was referred H. B. No. 646, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIREMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 645, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIREMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 474, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIREMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 586, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIREMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 456, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIREMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 621, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIREMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 620, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIREMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 644, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SHIREMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 314, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SHIREMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 773, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SHIREMAN, Chairman.

Austin, Texas,  
March 22, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 248, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SHIREMAN, Chairman.

(President in the Chair.)

#### Senate Bill 296 on Second Reading

On motion of Senator Moffett, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 296, A bill to be entitled "An Act authorizing sale of two hangars at Vernon State Home; stating the consideration; appropriating the proceeds; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 296 on Third Reading

Senator Moffett moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 296 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Secrest
Lock	Shireman
Martin	Strauss
McDonald	Wagonseller
Moffett	Willis
Moore	

#### Absent

Fuller	Hazlewood
Hardeman	Weinert

#### Absent—Excused

Lane

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—25

Aikin	Moore
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Secrest
Lock	Shireman
Martin	Strauss
McDonald	Wagonseller
Moffett	Willis

#### Nays—1

Owen

#### Absent

Fuller	Hazlewood
Hardeman	Weinert

#### Absent—Excused

Lane

#### Senate Bill 258 on Second Reading

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 258, A bill to be entitled "An Act authorizing and empowering the Board of Directors of the Texas Agricultural and Mechanical College System to execute leases and grant easements for rights-of-way for electric and pipe lines, irrigation canals and laterals, electric substations, pumping stations, loading racks, tank farms and other structures and for highways and roadways on or across any lands under the control of the Board of Directors of the Texas Agricultural and Mechanical College System; stipulating that the form of the easements shall be approved by the Attorney General; providing for the payment of a fee in certain instances; stipulating the period of time for which an easement may be granted; providing for the accounting for and use of monies, if any, received for the payment of

fees; prescribing the penalty for failure to obtain a proper easement; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 258 on Third Reading

Senator Moore moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 258 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis
Moffett	

#### Absent

Hazlewood	Weinert
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#### Absent—Excused

Lane

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 786 Ordered Not Printed

On motion of Senator Moffett, and by unanimous consent, H. B. No. 786 was ordered not printed.

#### Senate Bill 213 on Second Reading

On motion of Senator Strauss, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 213, A bill to be entitled "An Act to amend Art. 5.13 (Sub-

chapter B, Chapter 5), of Chapter 491, Acts, 1951, 52nd Legislature, by exempting professional liability insurance from the operation of the single rating law; containing a severability clause; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 213 on Third Reading

Senator Strauss moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 213 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis
Moffett	

#### Absent

Fuller	Weinert
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#### Absent—Excused

Lane

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—28

Aikin	Kelley
Ashley	Latimer
Bracewell	Lock
Colson	Martin
Corbin	McDonald
Fly	Moffett
Hardeman	Moore
Hazlewood	Owen
Kazen	Parkhouse

Phillips	Secrest
Ratliff	Shireman
Roberts	Strauss
Rogers	Wagonseller
of Childress	Willis
Rogers of Travis	

Absent

Fuller                      Weinert

Absent—Excused

Lane

**Local and Uncontested Bill Calendar Committee**

The President announced the appointment of the following pursuant to the provisions of S. R. No. 102 as the Committee for Local and Uncontested Bills:

Senators Martin, Chairman, Harde-  
man, Shireman, Fly and Kazen.

**Adjournment**

On motion of Senator Latimer the Senate at 5:45 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

## In Memory of Adina De Zavala

(Senate Resolution 132)

Senator Latimer offered the following resolution:

Whereas, Our Heavenly Father on the 1st day of March, 1955, in His infinite wisdom did call from her earthly home to join Him in His Everlasting Heavenly Home, the beloved Adina De Zavala; and

Whereas, Adina De Zavala, who spent ninety-three glorious years in the service of her God and her fellow man, was a distinguished citizen of San Antonio, Texas, and the granddaughter of Lorenzo De Zavala, first vice-president of the Republic of Texas; and

Whereas, Adina De Zavala was the daughter of Augustine and Julia Tyrrell De Zavala and was born at the ancestral home of her grandfather, Zavala's Point opposite the San Jacinto Battlefield. She received her early education at home from a private teacher until she was old enough to attend the Ursuline Academy in San Antonio. Following her attendance there, she went to Sam Houston Normal College; and

Whereas, The single-minded devotion of Adina De Zavala to the preservation of the monuments of Texas history was unexampled, and with inspiring courage and matchless zeal she fought the first great battles against commercial encroachment on sites hallowed by Texas history; and

Whereas, Adina De Zavala was a living symbol of the great contribution made by Spanish-speaking patriots to Texas Independence and played a major role in preserving the Alamo for posterity along with the Spanish Governor's Palace. And through the Texas Historical and Landmarks Society, which she founded, placed permanent markers on some forty historic sites in Texas, many of which might otherwise have been forgotten; and

Whereas, Adina De Zavala through a life of devotion to Texas history, folklore and general civic, patriotic work, had perhaps, more than any one person in Texas, aroused in the general public a desire for a fuller knowledge of the history of the Lone Star State; and

Whereas, Adina De Zavala was the last surviving member of her distinguished family, her brother, Augustine De Zavala of Austin, having preceded her in death in 1952; now, therefore, be it

Resolved, By the Senate of Texas, that this resolution be spread upon the Senate Journal as a memorial to Adina De Zavala for her work and aid in immortalizing Texas history for the ages; and be it further

Resolved, That when the Senate adjourns today that it do so in the memory of Adina De Zavala.

LATIMER  
KAZEN

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Colson, Corbin, Fly, Fuller, Hardeman, Hazlewood, Kelley, Lane, Lock, Martin, McDonald, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Roberts, Rogers of Childress, Rogers of Travis, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Ashley the names of the Lieutenant Governor and all of the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.